

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-32 are now pending in this application. Claims 17 and 18 have been withdrawn from consideration.

### **Claim Objection**

Claim 1 is objected to for containing an informality. Applicant respectfully submits that the amendments to the claims render this objection moot. Reconsideration and withdrawal of this objection is respectfully requested.

### **Rejection under 35 U.S.C. § 112**

Claims 1-16 and 19-32 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that the amendments to the claims render this rejection moot. Reconsideration and withdrawal of this rejection is respectfully requested.

### **Rejection under 35 U.S.C. § 102**

Claims 1, 12-16, 19-26, and 29-32 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,929,655 to Egnelöv *et al.* (hereafter “Egnelöv”). This rejection is respectfully traversed.

Egnelöv discloses a tamping mechanism for a seal which includes an inner seal 1, an outer seal 2, and a thread 3. See Egnelöv at col. 5, lines 7-9. The device of Egnelöv further

includes a pusher 5, a loading device 6 having an introducer cone 7 and a tamping mechanism with a tamping button 8 and a housing 9. See Egnelöv at col. 5, lines 28-35.

Egnelöv does not disclose a closure device for sealing a percutaneous puncture in the wall of a blood vessel comprising, among other things, an inner member, an outer member, an insertion tool having a housing and an actuator which is operable in a first mode in which the actuator is configured for deployment of the inner member inside the vessel and operable in a second mode in which the actuator is configured to cause tamping of the outer member on an outside of the vessel, wherein the actuator is arranged to be set into said second mode in response to a pulling force acting on a filament connecting the inner member and the outer member, which causes an actuator portion to move relative to the housing so that the actuator is set into the second mode, as recited in amended claim 1. Amended claim 22 includes similar features. Figures 7-9 in Applicant's application show examples of these features. Claims 12-16, 19-21, 23-26, and 29-32 depend from claims 1 and 22.

Egnelöv discloses that the device of Egnelöv is operated by inserting the seal into a vessel, as shown in Figures 9 and 10; pushing the housing 9 into the introducer cone 7, as shown in Figures 9 and 10; pulling the loading device 6 back until the inner seal 1 is seated to the inner vessel wall, as shown in Figure 11; retracting the pusher 5 from the inner seal 1; pushing the tamping tube 10 forward to tamp the inner seal 1 and outer seal 2 together, as shown in Figure 13; and releasing the threaded loop. See Egnelöv at col. 6, lines 24-60. Egnelöv discloses that the tamping button 8 is depressed in a "single manual operation" so that it gradually changes from a fully retracted state to a completely compressed state as the pusher 5 is retracted from the inner seal 1, the tamping tube 10 is pushed forward, and the thread loop is released. See Egnelöv at col. 6, lines 61-67.

Egnelöv does not disclose that when the loading device 6 is pulled back to seat the inner seal 1 to the inner vessel wall that the device is set into a second mode in response to a pulling force acting on the thread 3 connecting the inner seal 1 and the outer seal 2, which causes an actuator portion to move relative to a housing of the device of Egnelöv so that the actuator is set into the second mode, as recited in amended claim 1.

Egnelöv is silent in regard to a pulling force acting on the thread 3 and causing an actuator portion, such as the tamping button 8, to move relative to the housing 9 of the device and set the device into a second mode in response to the pulling force, as recited in claims 1 and 22.

For at least these reasons, Egnelöv does not anticipate claims 1, 12-16, 19-26, and 29-32. Reconsideration and withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 103**

Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Egnelöv. This rejection is respectfully traversed. Claims 27 and 28 depend from claims 1 and 22. As discussed above, Egnelöv does not disclose or suggest all of the features of claims 1 and 22. Thus, Egnelöv does not render claims 27 and 28 to be unpatentable. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Egnelöv in view of U.S. Pub. No. 2001/0003158 to Kensey *et al.* (hereafter “Kensey ‘158”). This rejection is respectfully traversed. Kensey ‘158 fails to remedy the deficiencies of Egnelöv discussed above in regard to independent claim 1, from which claims 10 and 11 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the indication that claims 2, 6-9, and 13 include allowable subject matter.

#### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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